

1 **RESNICK & LOUIS, P.A.**  
2 **415 S. SIXTH STREET, SUITE 300**  
3 **LAS VEGAS, NV 89101**  
4 **MITCHELL J. RESNICK [BAR# 12074]**  
5 **mresnick@rlattorneys.com**  
6 **JEFFREY PETIGOFF [BAR NO. 5458]**  
7 **jpetegoff@rlattorneys.com**  
8 **(702) 997.3800**

9 **Attorneys for Third-Party Defendant,**  
10 **BATES METAL PRODUCTS, INC.**

11 **UNITED STATES DISTRICT COURT**  
12 **DISTRICT OF NEVADA**

13 **ESPERANZA HOPE PHAM,**  
14 **Plaintiff,**

15 **vs.**

16 **WAL-MART STORES, INC. dba**  
17 **SAM'S CLUB STORE #6382; SAM'S**  
18 **WEST INC.; NIC HESTAND;**  
19 **NATIONAL BEDDING COMPANY,**  
20 **LLC; SERTA INC.; FOX MARKETING**  
21 **CORPORATION aka FOX**  
22 **MARKETING CORPORATION aka**  
23 **FOXMARK; DOES I-X, inclusive and**  
24 **ROE CORPORATIONS I-X, inclusive,**

25 **Defendants.**

26 **FOX MARKETING CORPORATION,**

27 **Third-Party Plaintiff,**

28 **vs.**

**BATES METAL PRODUCTS, INC.;**  
**ROE individuals 11-20; and ZOE**  
**CORPORATIONS AND**  
**ORGANIZATIONS 11-20, inclusive,**

**Third-Party Defendants.**

**NATIONAL BEDDING COMPANY LLC**  
**and SERTA INC.,**

**Cross-Claimants,**

**CASE NO. 2:11-cv-01148-KJD-GWF**

**MOTION TO WITHDRAW AND**  
**SUBSTITUTION OF ATTORNEYS**

1 vs.

2 FOX MARKETING CORPORATION;  
3 MOES 1-100 inclusive,

4 Cross-Defendants.

5 Mitchell J. Resnick and Jeffrey Petigoff, now with the recently formed law  
6 firm of Resnick and Lewis, move this Court for an order permitting them to  
7 withdraw as counsel of record from this case. Cross-Defendant Bates Metal  
8 Products, Inc. hereby substitutes Colby Beck of the Law Firm of Boyack Beck &  
9 Taylor and Wendi A Sorensen of the Law Firm of Burch & Cracchiolo, P.A. as  
10 attorneys of record in place and stead of Mitchell J. Resnick and Jeffrey  
11 Petigoff.

12 All further correspondence, documents, etc. should be sent to:

13 COLBY D. BECK, ESQ.  
14 Nevada Bar No. 6899  
15 BOYACK BECK & TAYLOR  
16 401 N. Buffalo Drive, Suite 202  
17 Las Vegas, NV 89145  
18 Ph: (702) 562-3415  
19 Fx: (702) 562-3570  
20 [colby@edblaw.net](mailto:colby@edblaw.net)

21 WENDI A. SORENSEN, ESQ.  
22 Admitted Pro Hac Vice  
23 Arizona Bar No. 009856  
24 BURCH & CRACCHIOLO, P.A.  
25 702 E. Osborn, Suite 200  
26 Phoenix, AZ 85014  
27 Ph: (602) 234-8910  
28 Fx: (602) 343-7910  
[wsorensen@bcattorneys.com](mailto:wsorensen@bcattorneys.com)

23 This motion is supported by LR IA 10-6 in that it is signed by both counsel  
24 and Third-Party Defendant Bates Metal Products, Inc. It has been served on all  
25 parties who have appeared in this action.

26 For all these reasons, Mitchell J. Resnick and Jeffrey Petigoff respectfully  
27 request this Court enter its order permitting them to withdraw as counsel of  
28 record and that Colby D. Beck of the law firm of Boyack Beck & Taylor along

1 with Wendi A. Sorensen of the law firm of Burch & Cracchiolo, P.A. be  
2 substituted in their place and stead.

3 DATED this 17 day of August, 2012.

4 **RESNICK & LOUIS, P.A.**

5  
6 By /s/ Mitchell J. Resnick  
7 Mitchell J. Resnick, Esq.  
8 Nevada Bar No. 89101  
9 415 S. Sixth Street, Suite 300  
10 Las Vegas, NV 89101

11 **RESNICK & LOUIS, P.A.**

12 By /s/ Jeffrey Petigoff  
13 Jeffrey Petigoff, Esq.  
14 Nevada Bar No. 5458  
15 415 S. Sixth Street, Suite 300  
16 Las Vegas, NV 89101

17 **BOYACK BECK & TAYLOR**

18 By /s/ Colby D. Beck  
19 Colby D. Beck, Esq.  
20 Nevada Bar No. 6899  
21 401 N. Buffalo Drive, Suite 20  
22 Las Vegas, NV 89145

23 **BURCH & CRACCHIOLO, P.A.**

24 By /s/ Wendi A. Sorensen  
25 Wendi A. Sorensen, Esq.  
26 Arizona Bar No. 009856  
27 702 E. Osborn, Suite 200  
28 Phoenix, AZ 85014

**BATES METAL PRODUCTS, INC.**

By Terry Bates  
Terry Bates, Vice President

**CERTIFICATE OF SERVICE**

I certify that I am an employee of the law firm of Burch & Cracchiolo, P.A. and that on the 5<sup>th</sup> day of September, 2012, I caused the foregoing Motion to Withdraw and Substitution of Attorneys to be served via electronic service to the following:

Douglas M. Cohen, Esq.  
JONES VARGAS  
3773 Howard Hughes Parkway  
Third Floor South  
Las Vegas, Nevada 89169  
Attorneys for Plaintiff

Colby D. Beck, Esq.  
BOYACK BECK & TAYLOR  
401 North Buffalo Drive, Suite 202  
Las Vegas, Nevada 89145  
Attorneys for Third-Party Defendant  
Bates Metal Products, Inc.

Brad R. Kohler, II, Esq.  
THARPE & HOWELL, LLP  
6897 West Charleston Blvd.  
Las Vegas, Nevada 89117  
Attorneys for Defendants Wal-Mart Stores, Inc.,  
Sam's West, Inc., NIC Hestand, National Bedding  
Company L.L.C. and Serta, Inc.

Kenneth E. Goates, Esq.  
LAW OFFICE OF KENNETH E. GOATES  
3993 Howard Hughes Parkway, Suite 270  
Las Vegas, Nevada 89169  
Attorneys for Defendant Fox Marketing  
Corporation

/s/ Melanie A. Wright  
An Employee of Burch & Cracchiolo, P.A.

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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**

7 ESPERANZA HOPE PHAM,  
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9 vs.

10 WAL-MART STORES, INC. dba  
11 SAM'S CLUB STORE #6382; SAM'S  
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17 FOXMARK; DOES I-X, inclusive and  
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19 Defendants.

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25 CORPORATIONS AND  
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28 NATIONAL BEDDING COMPANY LLC  
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Cross-Claimants,

vs.

FOX MARKETING CORPORATION;  
MOES 1-100 inclusive,  
Cross-Defendants.

CASE NO. 2:11-cv-01148-KJD-GWF

**ORDER GRANTING MOTION TO  
WITHDRAW AND SUBSTITUTION  
OF ATTORNEYS**

1 The Court, having read the Motion to Withdraw and Substitution of  
2 Counsel and noting that it is signed by both counsel and client as required by  
3 LR IA 10-6;

4 IT IS THEREFORE ORDERED permitting Mitchell J. Resnick and Jeffrey  
5 Petigoff to withdraw and no longer be counsel of record;

6 IT IS FURTHER ORDERED permitting Colby D. Beck of the law firm of  
7 Boyack Beck & Taylor and Wendi A. Sorensen of the firm of Burch &  
8 Cracchiolo, P.A. to be substituted in the place and stead of Mitchell J. Resnick  
9 and Jeffrey Petigoff.

10 DATED this 6th day of September, 2012.

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15 GEORGE FOLEY, JR.  
16 UNITED STATES MAGISTRATE JUDGE  
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